

HOUSE No. 53

By Mr. Kaufman of Lexington, petition of Jay R. Kaufman and others relative to the instant runoff voting method. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

Jay R. Kaufman	Massachusetts
Patricia D. Jehlen	Alice K. Wolf
Ellen Story	Frank I. Smizik
Common Cause	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO VOTING BY THE INSTANT RUNOFF VOTING METHOD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 78 of chapter 54 of the General Laws as
2 appearing in the 2000 Official Edition is hereby amended by
3 striking out the third sentence.

1 SECTION 2. Chapter 54 is hereby further amended by inserting
2 after section 78A the following section 78B:—

3 (a) Definitions.

4 The following terms as used in this section shall, unless the
5 context requires otherwise, have the following meanings:—

6 “Instant Runoff Voting” means a method of casting and tabu-
7 lating votes that simulates the ballot counts that would occur if all
8 voters participated in a series of runoff elections with one candi-
9 date eliminated after each round of counting.

10 “Advancing candidate” means a candidate who has not been
11 eliminated.

12 “Continuing ballot” means a ballot that is not an exhausted
13 ballot.

14 “Exhausted ballot” means a ballot on which there are no
15 choices marked other than choices for eliminated candidates.

16 (b) The purpose of this section shall be to require a majority of
17 votes for election to the offices of governor, lieutenant governor,
18 attorney general, secretary of the commonwealth, state treasurer,
19 state auditor, and representative and senator in general court.

20 (c) Instant Runoff Voting shall be the method used for all elec-
21 tions to the following offices when three or more candidates have
22 qualified to have their names printed on the ballot for those
23 offices: governor, lieutenant governor, attorney general, secretary
24 of the commonwealth, state treasurer, and state auditor.

25 (d) In elections using the Instant Runoff Voting method, voters
26 may rank the candidates in order of preference. In all such elec-
27 tions, the count shall proceed in the following manner:

28 (1) The initial round of counting shall be a count of the first
29 choices marked on each ballot. If any candidate receives a
30 majority of the first choices, that candidate shall be deemed and
31 declared elected.

32 (2) If no candidate receives a majority of first choices, there
33 shall be a second round of counting. The last-place candidate shall
34 be eliminated, and all the continuing ballots shall be recounted.
35 Each continuing ballot shall be counted as one vote for that bal-
36 lot's highest ranked advancing candidate.

37 (3) If no candidate receives a majority at the second round of
38 counting, there shall be a third round of counting. The last-place
39 candidate shall be eliminated, and all the continuing ballots shall
40 be recounted. Each continuing ballot shall be counted as one vote
41 for that ballot's highest ranked advancing candidate.

42 (4) The process of eliminating the last-place candidates and
43 recounting all the continuing ballots shall continue until one can-
44 didate receives a majority of the votes in a round. The candidate
45 who receives a majority of the votes in a round shall be deemed
46 and declared to be elected.

47 (5) When a ballot becomes an exhausted ballot it shall not be
48 counted in that round or any subsequent round.

49 (6) If there are not sufficient second and lower choices for any
50 candidate to receive a majority, the candidate with the highest
51 number of votes shall be deemed and declared to be elected.

52 (7) No candidate who has been eliminated can be elected, no
53 matter how many second and lower ranked choices might other-
54 wise have become votes for that candidate in a later round.

55 (e) Ballots shall allow the voter to mark the voter's first choice
56 in the same manner as that for offices not elected by Instant
57 Runoff Voting.

58 (f) Sample ballots illustrating voting procedures shall be posted
59 in or near the voting booth, and shall be included in the instruction
60 packet for absentee ballots. Directions to voters shall conform
61 substantially to the following:

62 "Vote for your first-choice candidate by marking the number
63 '1' next to that candidate's name. In addition to your first choice
64 candidate, you may rank additional candidates in order of prefer-
65 ence. Ranking additional candidates will not affect your first-
66 choice candidate. Indicate your second choice by marking the
67 number '2' by that candidate's name, your third choice by
68 marking the number '3,' and so on for as many candidates as you
69 wish. Do not mark the same number beside more than one candi-
70 date. Do not skip numbers."

71 (g) The secretary of the commonwealth shall adopt and promul-
72 gate regulations consistent with this section, which regulations
73 shall ensure that ballots shall be simple and easy to understand.
74 As soon as practicable, the secretary of the commonwealth shall
75 ensure that all voting equipment in the commonwealth is capable
76 of effecting Instant Runoff Voting. In addition, the secretary of the
77 commonwealth shall conduct a voter education campaign to famil-
78 iarize voters with Instant Runoff Voting.